



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105

NOV 26 2013

Osmahn A. Kadri
US General Services Administration
Public Buildings Service
Portfolio Management Division 9P2PTC
450 Golden Gate Ave, 3rd Floor East
San Francisco, CA 94102

Subject: Supplemental Draft Environmental Impact Statement for San Ysidro Land Port of Entry
Modernization and Expansion Project, San Diego County, California (CEQ #20130284)

Dear Mr. Kadri:

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement for the San Ysidro Land Port of Entry Modernization and Expansion Project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA commends the General Services Administration (GSA) for addressing many of our concerns expressed in previous comment letters on the Draft Environmental Impact Statement (7/2/2009) and Final Environmental Impact Statement (9/8/2009). The GSA has subsequently prepared a Supplemental (Draft) Environmental Impact Statement (SDEIS) for the San Ysidro Land Port of Entry (LPOE) that includes one no build and two build alternatives. Both build alternatives include a pedestrian crossing, and differ between six and ten southbound vehicular lanes.

After reviewing the supplemental document for the proposed Land Port of Entry project, we rated this SDEIS an LO, *Lack of Objections*, and included additional recommendations for consideration. Please see the attached *Summary of EPA Rating Definitions* for a description of our rating system. Our attached detailed comments provide recommendations to 1) better understand potential northbound air emissions, 2) coordinate protection of aquatic resources, 3) improve employee parking demand analysis, and 4) confirm green building certification.

We appreciate the opportunity to review the Supplemental Final Environmental Impact Statement. When the SFEIS is ready, please send one CD copy to the address above (specify Mail Code CED-2). If you have any questions, please contact Zac Appleton at 415-972-3321 or appleton.zac@epa.gov.

Sincerely,

FK

Kathy Martyn Goforth, Manager
Environmental Review Office

cc: Shay Lynn Harrison, Caltrans District 11
John Chisholm, Caltrans
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Enclosures: Summary of EPA Rating Definitions
EPA Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment

**EPA DETAILED COMMENTS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE SAN YSIDRO LAND PORT OF ENTRY PROJECT, NOVEMBER 26, 2013**

Northbound Air Emissions

EPA acknowledges the extensive air conformity work GSA has completed for both forecasted southbound traffic and in CO hot spot analysis for vehicle traffic in both directions. However, the SDEIS does not analyze air emissions from northbound idling vehicles within the facility's footprint which may present a significant localized pollution source, and could be subject to near-road air monitoring requirements pursuant to 40 CFR Part 58.

Recommendation:

EPA recommends GSA consider assessing emissions in the area of northbound vehicle lanes (in the facility's footprint) and resulting impacts to human health. Such information may provide the basis for committing to future mitigation if future operations lead to increased air pollution.

Aquatic Resources

EPA recognizes that both Build Alternatives impact minimal aquatic resources, and that the SDEIS describes effective mitigation for those impacts. The proposed project will be located in the Tijuana River watershed, which has been the area for ongoing international environmental work through the Tijuana River Watershed Partnership. The current project provides an opportunity for further interagency coordination to facilitate continued environmental improvements for the region.

Recommendation:

EPA recommends GSA coordinate with EPA Region 9's Wetlands Office to ensure mitigation for impacts to aquatic resources are effective and consistent with the larger Tijuana River Watershed Projects and Partnerships (<http://www.epa.gov/region9/water/watershed/tijuana.html>).

Employee Parking Demand

The SDEIS proposes 100 more employee vehicle parking spaces than were identified in the previously completed Draft and Final EISs for the proposed project. The additional parking reflects the expected demand from a third shift at the LPOE. ~~Because providing additional parking spaces may induce more~~ individual employee car trips, which may lead to increased air pollution, we recommend that GSA ensure the forecast demand for employee parking is accurate. We also note that Executive Order 13514 challenges federal facilities to "reduce the use of fossil fuels by optimizing the number of vehicles" among other methods.

Recommendation:

EPA recommends that GSA consider the environmental benefits of optimally sizing its employee parking structure. The SFEIS should clearly identify the peak employee parking demand, accounting for both incoming and outgoing employees during overlapping work shifts, and then use the result to optimally size the employee parking structure.

The SFEIS should demonstrate how GSA is being consistent with the goals and objectives of Executive Order 13514. For example, the SFEIS should describe measures GSA and the future Customs and Border Patrol occupants can take to reduce use of fossil fuels (carpool incentives, organized employee shuttles, etc.).

Green Building Certification

The United States Green Building Council's Leadership in Energy & Environmental Design (LEED) is the nation's leading certification system for green buildings, and can help GSA quantify and disclose the energy savings from operation and maintenance. We note that GSA's 2011 post-occupancy study of federal LEED buildings reported that upfront investments in sustainable measures needed to be matched with sustainable operations and maintenance practices in order to deliver the expected savings in building operations costs.

Recommendations:

EPA recommends GSA clearly identify what specific environmental impacts and proposed mitigation per build phase will be submitted for LEED certification, and to what level of LEED certification standard (Silver, Gold, Platinum) that phase will try to achieve.

EPA further recommends that GSA clearly indicate which construction-phase LEED elements will include a post-occupancy operational commitment, such as an operational control in a facility's Environmental Management System, as mandated by Executive Order 13423.

